

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

AMERISURE MUTUAL INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:04CV430-DJS
)	
PARIC CORPORATION,)	
ESA MANAGEMENT, INC., and)	
ESA MISSOURI, INC.,)	
)	
Defendants.)	

PARTIAL JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that, with respect to plaintiff's duty to defend defendant Paric, summary judgment is entered against plaintiff and for defendants on plaintiff's claim and Count I (Declaratory Judgment) of defendant Paric's counterclaim.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that plaintiff has a duty to defend defendant Paric in the St. Louis County case bearing case number 03CC-3082, the St. Charles County case bearing case number 04CV124346, and the Greene County case bearing case number 103CC3419.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, with respect to plaintiff's duty to indemnify defendant Paric in the aforementioned three underlying actions, plaintiff's claim and

Count I (Declaratory Judgment) of defendant Paric's counterclaim are dismissed without prejudice as not yet ripe.

Dated this 21st day of October, 2005.

/s/Donald J. Stohr
UNITED STATES DISTRICT JUDGE